

Indiana Department of Education

Division of Exceptional Learners

### **COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER:	1965.02
COMPLAINT INVESTIGATOR:	Sandie Scudder
DATE OF COMPLAINT:	October 18, 2002
DATE OF REPORT:	November 15, 2002
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	December 6, 2002

### **COMPLAINT ISSUES:**

Whether the Wabash City Schools and the Wabash-Miami Programs For Exceptional Children violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written.

### **FINDINGS OF FACT:**

1. The student (Student) is 15 years old and eligible for special education and related services as a student with a learning disability.
2. Page 3 of the CCC Report dated May 24, 2002, documents that the Complainant inquired about the Student using the last period of the instructional day for two days a week to work in the community to interact with the public and build the Student's self-esteem. The area program coordinator states that the CCC agreed, and the work experience became part of the Student's IEP for the 2002-2003 school year. The Student began the work experience on August 21, 2002, and continued on Wednesdays and Fridays until October 23, 2002. The CCC Report/IEP does not include any stipulations that would effect the Student's participation in the community, and does not specify the duration of time that the Student will be involved in the community.
3. In a letter to the Complainant dated September 6, 2002, the special program coordinator stated that at the conclusion of the first 9-week grading period, the student's progress and educational needs will be reviewed. If the Student's grades are failing, then the School will recommend that the Student not leave the School grounds during the instructional day. The report card for the first nine weeks of the 2002-2003 school year indicated that the Student's performance was poor in the academic classes. The Student was informed that he could no longer participate in the community for two hours a week.

### **CONCLUSIONS:**

Findings of Fact #2 and #3 reflect that the CCC agreed that the Student would participate in a community business for two hours per week during the instructional day. The CCC Report does not document stipulations regarding the implementation of the work venture. Therefore, a violation of 511 IAC 7-27-7 (a) is found.

**The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.**

**CORRECTIONS:**

The Wabash City Schools and the Wabash-Miami Programs For Exceptional Children shall:

Convene the CCC and determine if the community work experience is appropriate for the Student, and if so, specify what guidelines are necessary to enable the Student to continue to progress in the general education curriculum, and to advance appropriately toward achieving the goals included in the IEP. **A copy of the CCC Report shall be submitted to the Division no later than December 6, 2002.**